

2004 Legislation

Background

This is a brief summary of the 2004 legislation which will impact the Department of Motor Vehicles' (DMV) operations only. It is not a complete list of all 2004 legislative bills. All changes become effective January 1, 2005, unless otherwise stated. You will be notified about changes to policies or procedures in separate memos. If you are interested in further information regarding these bills, visit the legislative information website at www.leginfo.ca.gov.

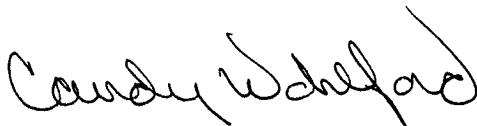
Distribution

This memo was distributed in November 2004 to the following:

- Dealers
- Registration Services

Contact

Call the DMV Customer Communications Section at (916) 657-6560 for further clarification of this memo. Upon request, this document can be produced in Braille or large print.



CANDY WOHLFORD, Deputy Director
Communication Programs Division

Vehicle Registration

<i>Code Reference</i>	<i>Comments</i>
Air Pollution Fee Changes Amend and Add: Health and Safety Code §44225 Amend: Health and Safety Code §44229 Amend and Add: Vehicle Code §9250.2	Addresses a number of issues regarding local air quality fees. Specifically: <ul style="list-style-type: none"> • Authorizes an increase in the surcharge from \$4 to \$6 that air quality management districts (AQMDs) may levy on motor vehicle registrations within their jurisdictions. • Expands the types of emissions covered by the Carl Moyer Memorial Air Quality Standards Attainment Program. • Increases the California Tire Fee collected by tire companies by \$0.75 to fund ARB and AQMDs programs to mitigate or remediate air pollution caused by tires. • Sunsets these provisions on January 1, 2015.
Disabled Person and Disabled Veteran Plates and Identification Card <i>Implementation July 1, 2005</i> Add: Vehicle Code §§5007, 5007.5 Amend: Vehicle Code §§415, 462, 467, 545, 2418.5, 5007, 9410, 22511.5, 22511.55, 22511.56, 22511.57, 22511.59, 22511.8, 22652, 22658.2, 25276	Requires DMV to develop and issue a form to persons issued disabled person or disabled veteran license <i>plates</i> to identify the person to whom the plates were issued. It also allows law enforcement to confiscate the plates when they are used illegally. Corrects several discrepancies in current law pertaining to the issuance of license plates and placards to people with disabilities. These are anti-fraud measures to discourage wrongful use of placards.
Vehicle Fee for Congestion and Stormwater Management Programs Add: Government Code Chapter 2.65 (commencing with Section 65089.11) to Division 1 of Title 7 Add: Vehicle Code §9250.5	Authorizes the City/County of San Mateo to impose an annual fee of up to \$4 on every vehicle registered in San Mateo County to fund programs to reduce traffic congestion and storm water pollution. This fee will be collected by the DMV with the annual vehicle registration renewal.
Vehicle Theft Deterrence Fee Amend: Vehicle Code §9250.14	Extends the collection and appropriation of the Vehicle Theft Deterrence Fee until January 1, 2010, and imposes additional reporting requirements.
Boating Safety Add: Harbor and Navigation Code Article 1.5 (commencing with Section 680) to Chapter 5 of Division 3, relating to boating safety.	Requires DMV to distribute an informational brochure and warning stickers about the dangers of carbon monoxide poisoning when engaged in water related activities in close proximity to the exhaust system of a motorized vessel (teak surfing). The decals would be distributed to new owners upon transfer of vessel ownership and at biennial registration renewal.

Vehicle Registration

<i>Code Reference</i>	<i>Comments</i>
Neighborhood Electric Vehicles Amend: Vehicle Code §§385.5, 21250, 21251, 21260	Authorizes the City of Lincoln and the City of Rocklin in Placer County to establish neighborhood electric vehicle transportation plans. It also requires a report to the Legislature by January 1, 2008.
Late Penalties and Exemptions for Deployed Military Add: Vehicle Code §9560	Requires DMV to waive all penalties for the late payment of vehicle registration renewal fees if the vehicle owner is a member of the armed forces, armed forces reserve, or National Guard and was on active-duty deployment outside of the state when the fees became due. The deployment must be during a period of combat or homeland defense as specified by Presidential Executive order.
California Environmental License Plate Fund Add and Amend: Public Resources Code §21193 Add: Public Resources Code §21190.5 Amend: Vehicle Code §§5106, 5108 Add: Vehicle Code §5112	Increases the fee to renew Environmental License Plates (standard design California issue license plates that are personalized) from \$25 to \$30, and increases the fee charged for the transfer of these plates between vehicles from \$20 to \$30.
Preferential Lanes <i>Implementation contingent upon federal approval</i> Amend: Vehicle Code §§5205.5, 21655.9	Allows no more than 75,000 hybrid vehicles meeting specified advanced-technology standards to be issued Clean Air Vehicle decals until January 1, 2008. Applicants whose vehicles are registered to addresses within the nine Bay Area counties will be required to submit documentation verifying enrollment in the automated FasTrak system to receive the decals, unless FasTrak is not operational for HOV lanes on seven specified bridges.
Pollution and Smog Check Changes for Voluntary Vehicle Retirement Incentives Amend: Health and Safety §44091.1	Changes the allocation for smog abatement fees to increase funding for the Vehicle Retirement Program.
Smog Check Changes <i>Implementation April 1, 2005</i> Add and Amend: Health and Safety Code §44091.1 Amend: Health and Safety Code §44011 Amend: Vehicle Code §§4000.1, 4000.2	Ends the rolling smog exemption for vehicles 30 years old or older and permanently exempts vehicles manufactured prior to 1976. The bill also adjusts Smog Check requirements applicable to collector motor vehicles and increases the \$6 smog check exemption fee to \$12.

Vehicle Registration

<i>Code Reference</i>	<i>Comments</i>
Smog Check Changes for Out-of-State Vehicles Amend: Vehicle Code §§4000.1, 4000.2 Amend: Health and Safety Code §§43843, 44004	Nonresident vehicles will be subject to the same smog inspection requirements and exemptions that pertain to California-registered vehicles.
Special Interest License Plates for the California Arts Council Amend: Vehicle Code §5074	Increases the fee charged for the original issuance of an Arts Council license plate from \$30 to \$50, and increases the fee for the renewal from \$15 to \$40. Fees for those plates bearing a “personalized” configuration increase from \$70 to \$90 for an original plate and from \$40 to \$65 for renewal.
Miscellaneous Changes Transportation Omnibus Issues Amend: Civil Code §2985.8 Add: Vehicle Code §1685.1 Amend: Vehicle Code §§314, 1655, 1685, 4000.6, 5201, 5301, 5751.5, 9250.7, 9400.1, 11205.2, 12810, 12811, 13370, 21960, 22670, 22710, 22851.2, 22851.4, 22851.6, 22851.8, 22851.10, 22852, 24011, 24602, 27602, 35401 Repeal: Vehicle Code §§1685.1, 11705.5	<ol style="list-style-type: none"> 1. Makes conforming changes pertaining to the disposal of low-valued vehicles. 2. Makes changes to several VC sections pertaining to the removal of low-valued vehicles through lien sale. Ensures that the required notification to vehicle owners and legal owners is updated to reference the \$500 value established by law. 3. DMV must submit the report of business partners activities to the Legislature on October 1 instead of January 1. 4. Establishes clear citing authority in VC §4000.6 for underreporting declared gross or combined gross vehicle weight of a commercial motor vehicle to DMV. 5. Amends VC §5301 to allow commercial vehicles/fleets, not just IRP vehicles, to apply for permanent fleet registration. 6. Amends VC §9400.1 to require DMV, in consultation with the California Highway Patrol, to develop a distinctive weight decal specifically for motor vehicles registered under the permanent fleet program and requires the vehicles display these decals. 7. Removes references to the smog impact fee. 8. Amends VC §21960 to add <i>expressways</i> to this provision regarding restricted use.

Driver License

<i>Code Reference</i>	<i>Comments</i>
Motor Scooters Add: Vehicle Code §21226 Amend: Vehicle Code §§407.5, 12500, 12509, 21225, 21235	Requires operators of motorized scooters to hold a Class C driver license or instruction permit. Authorizes cities or counties to pass ordinances to regulate operation of these scooters on local streets and highways. It also requires that scooters meet specified exhaust and noise requirements, and that manufacturers provide information for lawful operation.
Hazardous Materials (HazMat) Endorsement Amend: Vehicle Code §§15250, 15275	Designed to bring California into compliance with federal regulations governing the transportation of hazardous materials (HazMat). Specifically: <ol style="list-style-type: none"> 1. Provides that no person may operate a commercial motor vehicle while transporting hazardous materials unless that person has in his or her possession a valid commercial driver license (CDL) with a HazMat endorsement. Also clarifies that an instruction permit does not authorize the operation of a vehicle transporting hazardous materials. 2. Requires proof of citizenship or permanent residency of an applicant for a CDL with a HazMat endorsement. 3. Requires DMV to check the applicant's driving record to ensure the applicant is not subject to a commercial disqualification, prior to submitting the application to the federal Transportation Safety Administration (TSA) for processing. 4. Requires a CDL applicant for a HazMat endorsement to submit fingerprints for the purpose of a background check by the TSA. 5. Clarifies that if the applicant is authorized to receive a HazMat endorsement after an appeal to TSA, the department shall issue the HazMat endorsement within the period specified under federal regulations. 6. Authorizes the department to deny issuance or revoke a HazMat endorsement when the TSA has determined that the person poses a security threat based upon searches of various criminal databases. 7. Requires the DMV to refuse to issue or renew, or revoke the HazMat endorsement if the applicant does not meet the qualifications for issuance. 8. Provides that a HazMat endorsement shall be issued only to applicants who comply with Federal Regulations.

Driver License

<i>Code Reference</i>	<i>Comments</i>
Wireless Telephones Add: Vehicle Code §23125	Makes it unlawful to drive a school bus or transit vehicle while using a wireless telephone. This prohibition would not apply to a driver using a wireless telephone for work-related or emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency service agency.
Motor Vehicle Speed Contest Punishment Amend: Vehicle Code §§13352, 23109 Add: Vehicle Code §13352	Requires the court to order a person convicted of a first violation of a speed contest to perform 40 hours of community service. If the offender's license privilege is suspended, proof of financial responsibility is required for reinstatement.
California Organ and Tissue Donor Registry Amend: Health and Safety Code §7152.7 Amend: Vehicle Code §§1672, 12811, 13005	Requires DMV to provide information regarding the California Organ and Tissue Donor Registry and how to make private donations. Each DL and ID card applicant will receive a form to enroll in the registry.
Driving Under the Influence (DUI) Statement Add: Vehicle Code §23593	Requires a court to advise a person convicted of a violation of DUI, or a violation of alcohol-related reckless driving ("wet" reckless), of the dangers of being under the influence and that if someone is killed, the offender could be charged with murder. This advisement would establish grounds for more severe penalties if this same offender is convicted of subsequent DUI offenses.
DUI Sanction Amend: Vehicle Code §§1808, 13352.6, 13353.1, 13353.8, 23217, 23546, 23550, 23560, 23566, 23575, 23612, 23622, 23646	Increases the time period from seven to ten years during which arrests and/or convictions of DUI violations will be counted as prior offenses for the purposes of increased driver license penalties. It also requires the court to order a person convicted of a prior DUI to complete an alcohol and drug problem assessment program even though that prior conviction occurred more than ten years ago and authorizes the court to order the person to complete a repeat offender treatment program. It expands court-ordered participation in a county alcohol and drug problem assessment program to all persons convicted of a second or subsequent DUI offense that occurred within ten years of a prior offense.
DUI License Restriction Add: Vehicle Code §13352.2	Requires course providers to send certificates for attendance and completion of alcohol treatment programs directly to DMV's Sacramento Headquarters and prohibits them from giving certificates to drivers.

Driver License

<i>Code Reference</i>	<i>Comments</i>
DUI Driver License Sanctions Implementation 9/20/2005 Amend: Health and Safety Code §11837 Amend: Vehicle Code §§1803, 13352.4, 13352.5, 13353.3, 13353.5, 13354, 13954, 23521, 23536, 23538, 23540, 23542, 23548, 23552, 23556, 23562, 23568, 23660, 23665 Add: Vehicle Code §§13352.4, 13352.5, 13353.3, 23538, 23540, 23542	<p>The courts will no longer be responsible for imposing a driver license sanction as the result of a conviction for a DUI, and assigns this responsibility solely to the DMV. It also ensures that all persons convicted of a DUI will receive a restriction, suspension, or revocation of the driving privilege, without exception.</p>
CDL Changes Implementation 9/20/2005 Add: Vehicle Code §§12804.9, 13353, 13353.7, 13366.5, 13369, 14601.5, 15275.1, 15311.1, 15312.1, 15325 Amend: Vehicle Code §§1803.5, 2800, 12505, 12517, 12517.4, 12804.9, 13353, 13353.4, 13353.6, 13353.7, 13369, 14601.5, 15210, 15278, 15300, 15302, 15304, 15306, 15308, 15311, 15312, 16073, 16431, 22406.1, 41501, 42005	<p>Brings the Vehicle Code into compliance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA):</p> <ul style="list-style-type: none"> • Adds California residency as a requirement for a California commercial driver license. • Requires that CHP maintain its current school bus certification program. A school bus driver must possess a school bus endorsement. Endorsement code “S” must be indicated on the actual driver license. • Imposes a disqualification on commercial drivers who have been convicted of traffic offenses while operating a non-commercial motor vehicle which results in a cancellation, revocation or suspension of their Class C privileges. • Imposes a license disqualification for conviction of the following offenses: <ol style="list-style-type: none"> 1. DUI or driving with excessive blood alcohol content (BAC) in any motor vehicle. 2. DUI involving injury or driving with excessive BAC causing injury in any motor vehicle. 3. 0.04% BAC or greater while operating a commercial motor vehicle (CMV). 4. 0.04% BAC or greater while operating a CMV causing injury. 5. Refusing to submit to, or failing to complete a chemical test or tests. • Imposes a lifetime disqualification if the commercial driver

Driver License

<i>Code Reference</i>	<i>Comments</i>
CDL Changes, <i>continued</i>	<p>uses <i>any</i> motor vehicle in the commission of the felony.</p> <ul style="list-style-type: none"> • Disqualifies a commercial driver for a period of 120 days if convicted of a serious traffic violation involving any motor vehicle and the offense occurred within three years of two or more separate convictions for serious traffic violations. • Makes it unlawful to violate any out-of-service order. It also provides that it is unlawful to fail or refuse to comply with a lawful out-of-service order issued by the United States Secretary of the Department of Transportation. • Prohibits operating a commercial motor vehicle for a period of 180 days if the person is convicted of violating an out-of-service order while transporting hazardous materials or while operating a vehicle designed to transport 16 or more passengers, including the driver and increases the prohibition to three years for a conviction of a second violation. • A CDL driver convicted of violating an out-of-service order is subject to a civil penalty of not less than \$1,100 nor more than \$2,750. • Prohibits a state from issuing a special CDL or permit (including a provisional or temporary license) to any commercial driver who is disqualified or whose <i>non-commercial</i> driving privilege is revoked, suspended, or cancelled. The court does not have the authority to issue a restricted commercial driver license. • Eliminates the current authority in law to issue a restricted commercial license to a driver who is otherwise suspended for a first offense of driving under the influence of alcohol or drugs occurring in a non-commercial vehicle, or if the driving privilege has been suspended for failure to have insurance at the time of an accident in a <i>non-commercial</i> vehicle. The court does not have the authority to issue a restricted CDL. • Establishes that courts may not order or permit the holder of a commercial driver license or any class driver license to attend a traffic violator school, a driving school, or any other court-approved instruction of driving safety in lieu of <i>any</i> convictions for a traffic offense committed in a commercial vehicle. • Allows the MCSIA to transmit an order to disqualify a commercial driver for cause, and that such information must become a part of the driver's record.

Driver License

<i>Code Reference</i>	<i>Comments</i>
CDL Changes, <i>continued</i>	<ul style="list-style-type: none"> • Imposes the following penalties on employers: <ol style="list-style-type: none"> 1. Prohibits an employer from knowingly allowing a driver to operate a commercial motor vehicle during any period in which the driver, the vehicle, or the motor carrier, is subject to an out-of-service order. 2. Imposes civil penalties on an employer convicted of permitting drivers or vehicles to operate during any period in which an out-of-service order is in force. 3. Prohibits an employer from knowingly allowing, requiring, permitting, or authorizing a driver to operate a commercial motor vehicle in the United States in violation of any law or regulation pertaining to railroad-highway grade crossings. • Provides that whenever the DMV is required to disqualify the commercial driving privilege upon conviction, the suspension or revocation would begin upon receipt of the certified court abstract showing that the person has been convicted of the violation.
ID Card Fee Change <i>Implementation August 11, 2004.</i> Amend: Vehicle Code §14902	An applicant who has been identified by a governmental or non-profit entity who meets the eligibility requirements for assistance programs specified in the Welfare and Institutions Code can obtain an ID card for \$6.
Miscellaneous Changes Transportation Omnibus Issues Amends: Vehicle Code §§1655, 12810, 12811, 13370	<ol style="list-style-type: none"> 1. Adjusts the listing of traffic violations for negligent operator points so that the point assessments in each category appear together. 2. Amends a corrected reference to the DMV's "Investigations Division." 3. Requires the DMV to follow standard state contracting requirements in awarding a contract for the processing of driver licenses. 4. Clarifies that the DMV must deny or revoke special certificates if the driver has been convicted of a violent felony or serious felony as defined in the Penal Code.

Occupational Licensing

<i>Code Reference</i>	<i>Comments</i>
Front License Plate Holder Add: Vehicle Code §11713.17	Prohibits a dealer from selling or distributing a new motor vehicle that is not equipped with a front license plate bracket.
Expedited Issuance of Registration and Title Add: Vehicle Code §4466 Amend: Vehicle Code §§4466, 9270, 11402, 11406	<ul style="list-style-type: none"> • Allows licensed registration services to submit duplicate title or substitute license plate applications when the address on the application does not match the address shown on DMV's records. • Allows expedited processing of duplicate ownership applications through the 72-hour special process for a \$15 fee paid to the DMV. • Allows a licensed registration service to represent foreign business entities, court-appointed bankruptcy referees, and individuals who submit applications with a signature that has been validated by a notary public. • Requires licensed registration services to keep accurate business records of all transactions related to the application and to make those records available for inspection by specified law enforcement officers, including DMV investigators. • Increases the bond required for the issuance of a registration service license, or for the renewal of a license, from \$5,000 to \$25,000. • Repeals these provisions on January 1, 2008.
All Terrain Vehicles (ATV) Amend: Vehicle Code §§285, 286, 296, 331.1, 331.2, 426, 672, 11701, 11704.5, 11710, 11723	Requires every manufacturer, distributor or dealer of all terrain vehicles to be licensed under the department's occupational licensing program. Establishes the bond limit for such licensees at \$10,000. It also provides the New Motor Vehicle Board authority in mediating disputes among business entities within the ATV industry.
Automobile Driver Education Add: Education Code §51220.6 Amend and Repeal: Vehicle Code §11101	Requires DMV to issue course completion certificates to private secondary schools conducting driver education courses that satisfy requirements of the law. Eliminates a sunset date in existing law, making the provisions permanent.
Motor Carrier Association and Traffic Violator School Changes Amend: Vehicle Code §§11205.2, 12810	Allows a motor carrier association to become a business partner of the department for the purpose of providing registration services for its members. Clarifies that a court could remove the name of a traffic violator school from <i>any part</i> of the published referral list without the school owner <i>first</i> being provided an opportunity to request a hearing.

Financial Responsibility

<i>Code Reference</i>	<i>Comments</i>
Electronic Verification Implementation 9/01/2006 Add: Vehicle Code §16058.1	Requires the department, by July 1, 2006, to establish a method by which law enforcement may electronically verify financial responsibility for a vehicle registered on the department's database.
Mandatory Requirement Implementation 9/20/2005 Add: Vehicle Code §§4000.38, 16058 Amend: Vehicle Code §4000.38	Establishes a mandatory requirement that insurance companies electronically submit insurance information to DMV. It also allows the department to cancel a vehicle's registration if an insurance company reported that the insurance has lapsed. This cancellation policy affects originals, transfers, and renewals of registration.

Records Access & Confidentiality

<i>Code Reference</i>	<i>Comments</i>
Seizure of Business Records Add: Penal Code §1536.5	Allows a business entity whose records have been seized through a search warrant to demand copies of those records from the governmental agency that seized the records without a court order.
Public records Amend: Government Code §§6252, 6254	Clarifies that when the information of an arrestee or a victim of a crime is released in response to a Public Records Act (PRA) request, the entity receiving this information may not release the <i>address</i> of the victim to other individuals for marketing purposes.
Accident Reports Add: Vehicle Code §1810.3	Authorizes the release of license plate numbers and accident report numbers contained in reports filed by law enforcement agencies to commercial requesters.